THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13803 of 2006

DATED: 07.07.2006

Between
T.N.Munawar Sultana and another. .. PETITIONERS

Versus

The Municipal Corporation of Kadapa,
represented by its Commissioner, Kadapa,
Kadapa District and 2 others .. RESPONDENTS

WRIT PETITION NO.13803 of 2006

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondents in seeking to demolish the commercial houses situated in D.Nos.17/127 and 17/128 of Mandy Street, Kadapa City, belongs to the petitioners, as arbitrary, illegal, highhanded, contrary to the procedure envisaged under the provisions of Sections 146 and 147 of Hyderabad Municipal Corporation Act, 1955 and contrary to the guidelines framed in the case of Pilli Lakshmana Rao vs. Executive Officer, Gram Panchayat, reported in 2000(5) ALT 246 and also violative of the principles of natural justice apart from being violative of the fundamental and constitutional rights guaranteed to the petitioners under Articles 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the commercial houses situated in D.Nos.17/127 & 17/128 of Mandy Street, Kadapa City, belongs to the petitioners, without following due process of law and pass such other suitable orders.

3. Several factual details had been narrated in the affidavit filed in support of the Writ Petition. It is stated that the 1st respondent had taken a policy decision to widen the roads in Kadapa city on 14.10.2005 and the same was published in newspapers on 23.11.2005. It is also stated that the respondents came to the subject matter of commercial houses on 1.7.2006 and marked certain portions of the houses for demolition.

4. It is needless to say that the respondents are bound to follow due process of law before commencing the demolition activity.

5. Accordingly, the Writ Petition is disposed of directing the respondents herein not to resort to the demolition activity in relation to the subject matter of the Writ Petition unless and until they follow due process of law. No costs.

07.07.2006

SSR

Issue order copy today.

(BO)